IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

AT JAIPUR BENCH, JAIPUR.

O R D E R

S.B. CIVIL WRIT PETITION NO.9987/2007.

Smt.Raj Kumari

Vs.

State and ors.

Date of Order:- 4/12/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Kunwar Bahadur for the petitioner.

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The petitioner has filed this writ petition challenging the order dated 26/10/2007 whereby his appeal against the rejection of temporary injunction application by Civil Judge (Sr.Div.) Baran, was dismissed.

Learned counsel for the petitioner has argued that the petitioner is widow of original licensee Shri Satya Prakash who was allowed to run Saw Machines. He was running the saw machines for last 20-22 years under a license/permission from the authorized officer. The petitioner has applied for permission to shift this saw machines to the place, where it was originally located has now been surrounded by dense population and it was not conducive to

run these saw machines from the said place. Instead of taking any decision on her application, respondent vide order dated 30/6/2006 asked the petitioner to stop the operation of the saw machines from the place otherwise the same may be seized. The petitioner filed suit for temporary injunction which was rejected and his appeal was also rejected. Learned counsel for the petitioner has drawn attention of the court towards the Circular dated 24/2/2007 issued to saw machine licensing authorities for running the saw machines. According to this, Rule (3)(vi)(a) of the Rajasthan Produce (Establishment and Location) of Saw Machines, 1983 was amended so as to provide that the license holders would be permitted to shift the location of saw machines with prior permission of the Chief Conservator of Forest Rajasthan, Jaipur.

Having heard learned counsel for petitioner and perused the impugned order, I do not find that any of the authorities has committed any error of law in refusing to issue injunction order. Learned counsel for the petitioner was not able to point out that there

was any rule for change of the license from name of her husband to her name. In any case, it would be for the competent authority to decide that issue by considering the question of permission to shift the location of saw machines to the area desired by the petitioner. While therefore not interfering with the orders of the courts below, I set the petitioner at liberty to make a representation to the Chief Conservator of Forest for permission to deal with her request to shift the saw machines from the original place to new place as desired by her. In case, such representation is made, the same shall be considered and decided by the Chief Conservator of Forest within six weeks thereafter in accordance with law.

The writ petition is accordingly disposed of.

(MOHAMMAD RAFIQ), J.

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